

August 12, 2021

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXASUNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISIONBY: \_\_\_\_\_ JU  
DEPUTY

TERESA MAGUIRE,

*Plaintiff,*

v.

L & S TRI-STAR INVESTMENTS, LLC,  
d/b/a WEST AVENUE PLAZA,*Defendant.*§  
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No. SA-21-CV-0223-OLG

**DISMISSAL ORDER**

On this day, the Court considered the status of the above-captioned action. Plaintiff initiated this action on March 5, 2021. On July 6, 2021, the Court issued an Order in which it noted that Plaintiff had not yet served Defendant with a copy of the summons and complaint. *See* Dkt. No. 4 (the “Show Cause Order”). The Show Cause Order instructed Plaintiff to promptly serve Defendant (and file proof of service) within thirty days and warned Plaintiff that—in the event Plaintiff failed to complete service in the time provided—the case would be dismissed without prejudice for failure to prosecute, failure to comply with a Court order, and/or failure to timely serve Defendant. *See id.* (citing Fed. R. Civ. P. 4(m), 41(b)).


Upon a review of the record, it appears that Plaintiff has not yet served Defendant with a copy of the summons and complaint. Pursuant to Federal Rule of Civil Procedure 4(m), “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Here, more than ninety days have passed since the filing of this action on March 5, 2021. More than thirty days have passed since the

issuance of the Show Cause Order on July 6, 2021, which provided Plaintiff with clear notice of her obligation to promptly serve Defendant, as well as a warning that the case would be dismissed without prejudice if she failed to complete service in the time provided. *See id.* Because Plaintiff has failed to complete service as required by the Federal Rules and instructed by the Court, dismissal of the case is now appropriate.

Accordingly, it is hereby **ORDERED** that—pursuant to Rules 4(m) and 41(b), and the Court’s Show Cause Order—Plaintiff’s claims are **DISMISSED WITHOUT PREJUDICE** for failure to prosecute, failure to comply with a Court order, and failure to timely serve Defendant.

This case is **CLOSED**.

**SIGNED** this 11 day of August, 2021.

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ORLANDO L. GARCIA  
Chief United States District Judge